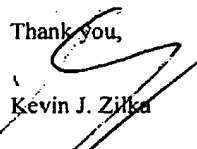


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FAX (408) 971-4660**FAX COVER SHEET**

<b>Date:</b> June 2, 2005	<b>Phone Number</b>	<b>Fax Number</b>
<b>To:</b> Examiner Kevin R. Schubert, USPTO	(703) 872-9306	
<b>From:</b> Kevin J. Zilka		

**Docket No.:** NAI1P020/01.139.01**App. No.:** 09/916,600**Total Number of Pages Being Transmitted, Including Cover Sheet:** 05

<b>Message:</b>  Please deliver to Examiner Kevin R. Schubert.  Thank you,  Kevin J. Zilka	<b>RECEIVED</b> JUN - 3 2005 O1PE/JCV/S
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Practitioner's Docket No. NAI1P020/01.139.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chris A. Barton et al.

Application No.: 09/916,600

Group No.: 2137

Filed: July 26, 2001

Examiner: Schubert, K.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR ANTI-VIRUS  
SCANNING IN A STORAGE SUBSYSTEMMail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed March 22, 2005, for a second time rejecting claims 1, 2, 4-7, 10-18, 20-23, and 26-43.

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

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\_ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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## TRANSMISSION

\_ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306

Date:

6/2/2005

Signature

Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity \$500.00

Notice of Appeal fee due \$500.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$500.00

**TOTAL FEE DUE \$500.00**

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$500.00 to Deposit Account No. 50-1351 (Order No. NAI1P020).

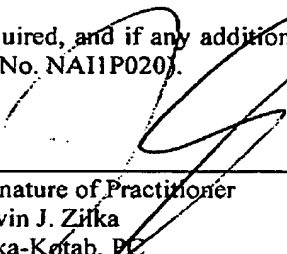
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351(Order No. NAI1P020).

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

  
\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA